

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION FOR AIR QUALITY

803 SCHENKEL LANE  
FRANKFORT, KENTUCKY 40601

FINAL DETERMINATION  
ON THE TITLE V APPLICATION OF  
CARMEUSE LIME & STONE, INC BLACK RIVER OPERATION  
PERMIT # V-05-003

TO CONSTRUCT AND OPERATE A LIME MANUFACTURING PLANT  
LOCATED AT 9043 HIGHWAY 154 IN BUTLER, KENTUCKY

REVIEW AND ANALYSIS BY:  
Robert L. Williams

SOURCE ID #:	21-191-00002	SIC CODE:	3274
REGION:	CINCINNATI	COUNTY:	PENDLETON
ACTIVITY #:	APE20040002	DATE COMPLETE:	10/24/2004
UTM COORDINATES:	4302.2N, 739.5E	SOURCE A.I #:	3400
TYPE OF REVIEW:	TITLE V, PSD	LOG NUMBER:	50254

ATTACHMENTS:

ATTACHMENT A	RESPONSE TO COMMENTS
ATTACHMENT B	PROPOSED PERMIT
ATTACHMENT C	PUBLIC NOTICE

# **ATTACHMENT A**

## **RESPONSE TO COMMENTS**

**Commonwealth of Kentucky**  
**Division for Air Quality**  
***RESPONSE TO COMMENTS***

ON THE TITLE V DRAFT PERMIT V-05-003  
CARMEUSE LIME & STONE, INC BLACK RIVER OPERATION  
BUTLER, KENTUCKY.  
OCTOBER 31, 2005

ROBERT L. WILLIAMS, REVIEWER

SOURCE I.D. #:	21-191-00002
APPLICATION LOG #:	50254
SOURCE AI #:	3400
ACTIVITY #:	APE20040002

**SOURCE DESCRIPTION:**

Carmeuse Lime & Stone, Inc (formerly known as Dravo Lime, Inc) Black River Operation in Butler, Kentucky is a lime manufacturing facility. They also ship limestone that is too small to be calcined in the kilns.

**PUBLIC AND U.S. EPA REVIEW:**

On March 25, 2005, the public notice on availability of the draft permit and supporting material for comments by persons affected by the plant was published in *The Covington Kentucky Enquirer* in Covington, Kentucky. The public comment period expired 30 days from the date of publication.

*Comment received*

Comments were received from Carmeuse Lime & Stone Inc on March 8, 2005; Graydon Head & Ritchey LLP, Attorneys at Law on March 10, 2005 and April 29, 2005; Manley Burke, A Legal Professional Association on March 10, 2005; Supplement to the Village of Moscow's March 10, 2005 objection on April 22, 2005; and a Public Hearing conducted at Pendleton County Courthouse, Falmouth, Ky – April 27, 2005. Attachment A to this document lists the comments received and the Division's response to each comment. Changes were made to the permit as a result of the comments received, however, in no case were any emissions standards, or any monitoring, recordkeeping or reporting requirements relaxed. A major change to the Draft Permit was the explicit prohibiting of stockpiling, or accumulation on, under, or against pieces of equipment or structures, of lime material (product that has fallen from a conveyor system, reject material, hydrate, or any other form of lime), which included material that had encrusted itself on a conveyor cover or any other fixture, including the ground. Another change was the inclusion of 40 CFR 63, Subpart AAAAA to certain pieces of equipment that were covered in the Draft Permit by 401 KAR 63:010. Please see Attachment A for a detailed explanation of the changes made to the permit. The U.S. EPA has 45 days to comment on this proposed permit.

# ATTACHMENT A

## RESPONSE TO COMMENTS

Comments on Carmeuse Lime & Stone Inc Draft Title V Air Quality Permit submitted by George E. W. Love, Regional Environmental Manager, Carmeuse Lime & Stone Inc; Graydon Head & Ritchey LLP, Attorneys at Law; Manley Burke, A Legal Professional Association; Supplement to the Village of Moscow's March 10, 2005 objection; and a Public Hearing.

Carmeuse Lime & Stone Inc Comments – March 8, 2005

### Permit Application Summary Form

1. Untitled tabulation shows PM/PM<sub>10</sub> in both the Actual and Potential columns as 9106.065/8581.074 tpy. We do not understand how these values were determined. For example, the KY DAQ Emissions Inventory System tabulation for 2003 shows Actual PM/PM<sub>10</sub> as 247.8/124.7 tpy, and lists the maximum potential as 621.0/305.2 tpy. The tabulated values are many times higher. Please explain how the values were determined. The tabulation also recites Actual and Potential annual tons of SO<sub>2</sub> (3334.932); NO<sub>x</sub> (2539.086); and CO (1228.590). The only kilns with emission limits for these pollutants are #4 and #5. Calculating the maximum annual tons of each pollutant yields approximately 201, 1124, and 803 tpy, respectively. Please explain the basis for these figure, or correct the values.

### DIVISION'S RESPONSE:

An extensive review of the emission factors inputted into the Emissions Inventory System (EIS) revealed several errors in those factors. For example, the emission factor inputted into the KY EIS data base for the lime transfer to barge loadout (EQPT 7, Point 015) is listed at 0.24 lb/ton (PM), while AP-42 dated 2/98 lists an emission factor for "Product transfer and conveying" of 2.2 lb/ton (PM). [An internal Division memo dated September 26, 1990, addressing permit number C-90-163, states that the 0.24 lb/ton emission factor is "for conveying of cement (a similar product) for a system without pneumatic conveying." This was used at the time due to no lime emission factors having been developed at that time.] Another example is for belt conveyors [CAO & CA(OH)] (EQPT 8, Point 019) where the inputted emission factor is 0.10 lb/ton (PM). This emission factor should be 2.2 lb/ton in accordance with AP-42. The capture efficiency for the second example is listed in EIS at 95% for an enclosed process when it should be 90%. These factors governing the second example are also used only once when they should have been applied to each conveyor during the conveying process. The hours used to figure the potential emissions were also in error. These ranged from 1000 to 8760 when 8760 hours should have been utilized in all the calculations.

In regards to the SO<sub>2</sub>, NO<sub>x</sub>, and CO emissions, again the hours of operation listed in the KY EIS data base range from 5400 to 8400 when 8760 hours should have been utilized in all the calculations. In addressing the SO<sub>2</sub> emissions specifically, the application listed a 0% Capture Efficiency, which was also applied to the calculations for the Draft Permit.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Permit Application Summary Form**

**1. DIVISION'S RESPONSE: (CONTINUED)**

Further review of the Emissions Inventory System and the Pollutants of Concern (POC) Table associated with the PSD Permit, No. C-93-032, revealed that a 92% Capture Efficiency was allowed for the "lime scrubbing effect from contact with lime dust. This efficiency has been applied to the SO<sub>2</sub> emissions. Although Kilns #4 and #5 are the only kilns with emission limits for the aforementioned pollutants, all sources are accountable for the emissions they generate.

2. The fuel used at this facility is coal and petroleum coke. The "Source Process Description", in the beginning of the final paragraph states, "Coal is delivered...". This should read "Coal and coke are delivered...".

**DIVISION'S RESPONSE:**

The reason coke was not included is due to the fact that petcoke (blended fuel) has never been approved for use in any of the kilns at Black River. See response to comments #7 and #8 below.

**Permit Statement of Basis**

3. On the second page, under Applicable Regulations, states, "Kiln #3 is governed by 401 KAR 59:010, ... since it was constructed in 1976." This is incorrect. Kiln #3 is subject to 401 KAR 61:020 as construction began prior to July 2, 1975, and subject to permit O-89-088 which specifies the opacity limit for Kiln #3 at 40%.

**DIVISION'S RESPONSE:**

In order to address the inconsistencies regarding the construction date presented by the initial Title V application submitted by Carmeuse Lime & Stone (formerly Dravo Lime Co) and several e-mails, an extensive review was done of the records on file. This review revealed that a construction permit, C-74-6, was issued on February 8, 1974, for Kiln #3. An operating permit for the entire facility, O-81-70, was issued on May 19, 1981. The construction date for Kiln #3 will be listed as 1974, with the applicable regulation being 401 KAR 61:020. The permit will be changed to reflect the correct regulation and regulatory requirements.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Permit Statement of Basis**

4. On the second page, last paragraph reads, in part, "Emissions coming from the barge, trucks, and railcars, unless they are completely enclosed ... will be considered fugitive and are therefore governed by 401 KAR 63:010 ...". This general statement is profoundly confusing, given that some of these points, which are not completely enclosed, have particulate limits in terms of pounds per hour, and others have opacity limits. As examples, on page 26, under 2. Emissions Limitations, a. 2. – "Emissions of particulate matter from the barge loadout ... shall not exceed 73.06 lbs/hr."; on page 33, under 2. Emissions Limitations, a. 1. – "Emissions of particulate matter from the truck loadout ... shall not exceed 43.23 lbs/hr.", and 2. Emissions of particulate matter from the barge loadout ... shall not exceed 53.38 lbs/hr."; and finally, on page 81, 2. Emissions Limitations, c. "... the opacity for the barge loadout, emission point 14 (sic) (70) [this should be point 16], shall not exceed 15%." Please explain exactly what is intended with regard to how the inspector should address these points.

**DIVISION'S RESPONSE:**

The barge loadout emission point number will be changed from 14 to 16. During visits to the facility, DAQ review staff, along with Florence Regional Office inspectors, observed the truck (hydrate plant) and barge loading operations. These operations, along with other lime and hydrate plant loadouts, are listed as being under a baghouse control. In reference to the truck loadout operations, a seal is obtained at the entry point where the chute enters the truck. A viable seal with no open hatches ensures the integrity and the effectiveness of the control system. If the seal is breached, or another hatch opened, then the integrity of the control system's effectiveness is lost. Visible emissions referenced by Regulations 59:010, New process operations and 61:020, Existing process operations in regard to the opacity standards of 20% (59:010) and 40% (61:020) refer to emissions from a control device or stack associated with any affected facility being governed by the opacity limit. Visible emissions that come from around that seal or another open hatch, due to an operator wanting to see how full the truck is, are not governed by the opacity limit as the integrity of the control system has been breached and any emissions coming from that breach are considered fugitive emissions. In regards to the barge loadout, the integrity of the control system, and its effectiveness, ends where the system can no longer draw the emissions towards the control. Two primary variables associated with this system are the volume of airflow and the amount of emissions. The skirting utilized at the end of the fill spout does not create a seal around an open hatch, nor is there a seal if the barge has a moving roof whereby a large portion of the barge is open to accommodate loading. The opacity limit would apply to visible emissions coming from the control device or stack associated with the affected facility, not for emissions coming from the skirting, another open hatch, or from the lime product already loaded. Again, these emissions, like those discussed earlier, are not governed by the opacity limit; and are therefore fugitive emissions and governed by 401 KAR 63:010.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Permit Statement of Basis**

**4. DIVISION'S RESPONSE: (CONTINUED)**

In accordance with 401 KAR 63:010, Section 3 (3), "When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air."

5. On the third page, under Proposals, third paragraph, final sentence, "Therefore, this material must be handled and controlled with caution at all times, including enclosed transportation to the loadouts and reject deposition landfill area." Enclosed transportation of the material is not mandated by regulation, and is unnecessary in many cases. Wetting the material before transportation is one of several means of limiting fugitive emissions. Where the material is coarse (1/8-inch or larger), it is not prone to become airborne. And finally, the regulation addressing fugitive emissions does not require zero opacity, and only prohibits the "discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate."

**DIVISION'S RESPONSE:**

In regards to your first statement that "Enclosed transportation of the material is not mandated by regulation, and is unnecessary in many cases.", Regulation 401 KAR 63:010 Section 3 (1), states "no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following: (d) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;". This statement does not mention this requirement applying only to outside the property boundary, but simply states "at all times when in motion". Section 4 of this regulation addresses additional requirements – "In addition to the requirements of Section 3 of this administrative regulation, the following may apply: (1) At all times when in motion, open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered." Although lime product, reject lime and other reject material may be coarse initially when loaded into an open bodied truck, there is no guarantee that it will remain coarse for any length of time, and the intent of the regulation is that reasonable precautions be taken to prevent fugitive emissions from becoming airborne. Wetting the material before transportation is one of several means of limiting fugitive emissions, but unless the entire surface area is wet, and remains so throughout transport, fugitive emissions will most likely result from this type of material as it dries.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Permit Statement of Basis**

5. **DIVISION'S RESPONSE: (CONTINUED)**

Your last comment stating that 401 KAR 63:010 does not require zero opacity for fugitive emissions, and only prohibits the "discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.", is only partially true. Although zero opacity is not required for fugitive emissions, any opacity is something that should only occur after reasonable precautions have been taken to prevent particulate matter from becoming airborne. Section 3(3) states that "When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, ...". This part of Section 3 does not mention outside the property boundary only. Carmeuse has shown a chronic history of having continual problems with the discharge of visible dust emissions, to include beyond their property boundary. This fact is substantiated by numerous repetitive violations, including a video, on file with the Division.

6. On the fourth page, under Emission and Operating Caps Description, second paragraph, states, "The coal shall have a minimum heating value of 12,900 BTU/pound with a maximum average sulfur content of 0.9%. This statement implies that the fuel for all kilns must meet this value, which is not true. The fuel for kilns 1, 2, and 3 have no stipulation on either the BTU value or the sulfur content. This statement must be rewritten to reflect the accurate values for the fuel. We note with interest that no stipulations on any fuel constituents are contained within the permit on pages 43 through 49, the portion that addresses kilns 1 and 2, and pages 50 through 56, the pages that address kiln 3.

**DIVISION'S RESPONSE :**

The comment is correct in that there is no stipulation on the BTU value or the sulfur content for Kilns #1, #2, or #3. There is however a stipulation on the BTU value and the sulfur content of the fuel (coal) for Kilns #4 and #5 (Permit No. C-93-032). Carmeuse in their Title V application, or any subsequent information submitted as additional information, has failed to state if there would be a specific coal silo(s) for Kilns #4 and #5 which would meet the stipulated fuel requirements and another silo(s) for coal that would be used exclusively for Kilns #1, #2, and #3. They have stipulated that two of the three coal / petcoke silos in their Title V application be designated as Solid Fuel Silos and one as a Coal Silo. Since it would be possible to use coal not meeting the stipulated fuel requirements for Kilns #4 and #5 in their purposed scenario, Carmeuse will need to address how they will guarantee all coal utilized by Kilns #4 and #5 will meet the stipulated BTU value and sulfur content in their Standard Operating Plan.



**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Permit Statement of Basis**

7. On the fourth page, under Emission and Operating Caps Description, third paragraph, states, "There is no record of any compliance test results being submitted to the Division concerning petroleum coke (blended fuel) currently on file." Attached to this letter is a three-ring binder containing copies of the pertinent documents supporting the Company's claim that a coal/petcoke blend was tested, and the requisite stack test data were submitted to DAQ. The documents include the test protocol submitted on 14 November 1994, which specifically states that a 70% coal/30% petcoke blend will be utilized as the fuel during the compliance tests. The copy of the stack test data, obtained from Mr. Gerald Slucher of DAQ and given to Mr. Williams on 25 February 2005, after being located in the DAQ archives, identifies the fuel as coal (the outside lab was not informed of the nature of the fuel) with sulfur values/BTU values of 1.65/13876, 1.50/13994, 1.26/13891 and 1.15/13764 for kiln #4 and 1.76/13469, 1.60/13409, 1.64/13321, 1.83/13216, and 1.73/13025 for kiln #5. The cover letter transmitting the documents to DAQ's Mr. John Jayne summarizes the test results, ... Both Kilns 4 and 5 were found to be in compliance with permit conditions for sulfur dioxide, nitrogen oxide and carbon monoxide." Based upon this documentation, we respectfully request that the portion of the draft permit be modified to properly reflect the use of petcoke on kilns 4 and 5, and that the fuel stipulations be modified to reflect the appropriate sulfur content.

**DIVISION'S RESPONSE:**

The Division agrees that the "Test Protocol" submitted states that a blend of 70% coal / 30% petcoke was to be utilized as the fuel during the compliance tests. However, the report from the lab mentions only coal, not petcoke or blended fuel, as the fuel tested. Carmeuse's claim that the lab made a mistake by not stating it was blended fuel is an unsubstantiated, subjective opinion. In a discussion with Mr. Ben Markin, Combustion Section Supervisor, he stated the average sulfur content for petcoke is approximately 5%. Utilizing the above information, the specified blend of 70% coal / 30% petcoke with a 0.9% sulfur coal, would result in a 2.1% sulfur content for the petcoke portion of the blended fuel. Using the 0.9% sulfur coal, with a 70% / 30% coal / petcoke blend, would result in a petcoke sulfur content of 1.7% for the supposedly blended fuel having a 1.15 sulfur content that was tested in Kiln #4. Carmeuse will need to produce irrefutable proof that a blended fuel stipulated in the Test Protocol was indeed utilized during the test. In a letter dated 14 April 2000 from Mr. George Love to Mr. Bill Dills, Kentucky DAQ, referencing the burning of coal-petcoke blend in Carmeuse's Maysville Operation, Mr. Love states that the matter of solid fuel combustion in its new Kiln #4 (constructed in 1997) "will require the PSD review and permit modification" that was discussed in a previous meeting. Although the above referenced correspondence addresses the burning of petcoke or other alternative blended fuel at Carmeuse's Maysville Operation, this same response would apply to Carmeuse's Black River Operation.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Permit Statement of Basis**

8. On the fifth page, under Emission and Operating Caps Description, first paragraph below the indented paragraphs, states, "Therefore, the burning of petcoke or other alternative fuel will not be authorized in Kilns #1, #2, or #3 until the documentation requested in Mr. Gray's letter has been submitted and reviewed by the Division." The Company recognizes the comments made in the Gray letter, but sees no basis for a regulatory directive to cease the use of the fuel. The permit places no limits on emissions that may be associated with this fuel. However, once the Title V permit is issued in its final form, and in compliance with the testing schedule outlined therein, we will conduct stack tests to measure the sulfur dioxide, nitrogen oxide and carbon monoxide emissions for kilns 1 and 3 to establish a basis for the annual Emissions Inventory Survey. Kiln 2, upon its restart, will also be tested to determine its emission rates.

**DIVISION'S RESPONSE:**

An extensive review of the file shows a June 5, 1979 Permit Application with the fuel for Kilns #1 (Emission Point # 24), #2 (Emission Point # 27), and #3 (Emission Point # 32) to be coal and natural gas, with the coal sulfur content to be 1.0% by weight maximum. The PSD application for Kilns #4 and #5, received by the Division on March 12, 1993, listed three fuels for consideration – coal, natural gas, and diesel fuel. The only application listing petcoke as a fuel for all five existing kilns was the Title V application that was received by the Division on December 12, 1997. The application lists the fuel as coal and/or petroleum coke. If this is taken as the application was submitted, Carmeuse appears to be requesting use of petroleum coke as possibly a stand alone fuel, instead of as a blended fuel. A detailed review of the applications and permits on file reveal that the "Material Flow Diagram - Coal and Coke Handling" flow chart submitted with the Title V application address the construction of three silos (two coal and one petroleum coke) with a date of 21 Jan 94 Issued for Bids notation. Prior to this application, all applications and permits listed the kiln fuel (coal) as being stockpiled, not stored in silos. Having to install silos, coke scale, and blend scale to handle the addition of petroleum coke as a fuel to be blended with coal is considered a "physical change" to the source. It is the Division's determination that the source was not capable of accommodating the use of petroleum coke as a blended fuel with coal prior to January 6, 1975, and therefore not covered by the PSD exemption for modifications under 40 CFR 52.21(b)(2)(iii)(e)(1). Therefore, prior to being authorized to burn petcoke or any other blended fuel in any of the five existing kilns, a PSD review will be required along with a permit modification, as referenced in the Division's response to Comment #7.

9. On the fifth page, under Emission and Operating Caps Description, third paragraph below the indented paragraphs, states, "The maximum lime production rate for kilns #4 and #5 is 46 tons/hour, each." Based upon discussions with the DAQ, we understand that this section will be changed to reflect that the rate at which the kilns are tested and shown to be compliant will determine the maximum hourly production rate. We further understand that the actual allowable rate is 110% of the rate at which the kiln is tested.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Draft Permit Document**

9. During the required testing following issuance of the Title V permit, the Company will operate the kilns at their maximum hourly rate to demonstrate compliance at higher hourly throughput.

**DIVISION'S RESPONSE:**

The way the comment is stated, appears to be incorrect. It implies that the kilns will be operated at their maximum hourly rate, and that the actual allowable rate will be 110% of the rate at which the kiln is tested. Pursuant to 401 KAR 50:045, Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, a performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. A source that becomes capable of operating at a higher production rate than the production rate demonstrated during a prior performance test shall conduct another performance test at the higher rate to demonstrate the source's ability to comply with emissions limitations.

10. Cover page. The meaning of the item "Complete Date October 24, 2004" is unclear. The application was submitted in a timely fashion in the late 1990's, and was deemed "Complete" in 1999. What is meant by this citation?

**DIVISION'S RESPONSE:**

The meaning of "Complete Date" on the cover page of the Draft Permit applies to the application complete date. This is the last date when the additional information submitted by the company regarding the application has been reviewed by the permit reviewer, and the reviewer deems the information adequate enough to call the application complete. The initial application was received by the Division for Air Quality on December 12, 1997 and was deemed complete in 1999 by the initial permit reviewer who retired shortly thereafter. As you are aware, Carmeuse made several changes after this date ranging from changing the numbering system of the conveyors to construction dates and controls for various pieces of equipment, as well as submitting additional information in response to NOV's (ie. reject stockpiles and the Division's request as to the composition of those reject stockpiles) and additions Carmeuse wanted to add (ie. the coal offload).

11. Pages 6 through 13 list components of Emission Points 01, 03, 10, 17, 18, 21, 22, 23, and 25. Each of these points is subject to 401 KAR 63:010, Fugitive Emissions. The Company has repeatedly requested that fugitive emissions be determined as opacity exceeding some objective value for a specified period of time. This regulation has been inappropriately applied on numerous occasions. Specifically regarding opacity is the only way to equitably apply this regulation. The Company requests that such language be added.

**RESPONSE TO COMMENTS (CONTINUED)**

**Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)**

**Draft Permit Document**

**11. DIVISION'S RESPONSE:**

The Division regards State Regulation 401 KAR 63:010, Fugitive emissions, to be a valid regulation and has been approved to the State Implementation Plan as a way of governing fugitive emissions that originate from sources operating within the state of Kentucky. Any changes to this, or any other regulation, would have to be presented to the appropriate legislative subcommittee and US EPA for consideration and approval prior to any changes being made.

- 12 Page 15, under item 4, Specific Monitoring Requirements, a. The section states, If visible emissions are observed, the permittee shall perform a Method 22 reading. The opacity observed shall be recorded ...". The cited method does not require an opacity determination, only the presence of fugitive emissions for the period of time specified in the permit. For example, if the regulation states that there shall be no visible emissions for greater than 6 minutes in any hour, then the observer must record the time that emissions are visible. Action must be taken to control the source IF the time frame is exceeded. If the requirement is to determine the opacity, which is a Method 9 reading, that implies there is some opacity limit. The Company requests that the opacity limit be specified within the permit.

**DIVISION'S RESPONSE:**

This error was discovered by the reviewer after the Public Notice and has already been corrected in regards to the results of a Method 22 reading. It is correct that no opacity reading is required by a Method 22, only the amount of time any visible emissions occur during the observation period. Once the observer sights any visible emissions originating from an affected facility, the duration of time of those visible emissions must be noted and recorded in a daily log.

13. Pages 30 through 32 list components of Emission Points 05, 12, 20, and 26. On page 33, under 2. Emission Limitations, a. the various emission points under 4), 6), 7), and 8) are emission point 19. This must be a typographical error.

**DIVISION'S RESPONSE:**

The correction has been made.

14. Pages 43 through 49 list components of Emission Point 07, which includes kilns #1 and #2. Due to the date of construction, it should also include kiln #3.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Draft Permit Document**

**14. DIVISION'S RESPONSE:**

Since an extensive review of the file was done regarding the construction date of Kiln #3 (See Comment #3), Kiln #3 has been moved to correspond with the correct regulation and associated regulatory requirements.

15. Page 43, under Applicable Regulations, lists 401 KAR 61:035, Existing Process Gas Emissions. This regulation is not applicable to the Company's facility and must be deleted from the permit. This regulation only applies to facilities "located in a county classified as Class I or VA with respect to sulfur dioxide." See, 401 KAR 61:035, Section 1.(3). The Company's facility is located in Pendleton County that is neither Class I or VA for sulfur dioxide. The provisions relating to carbon monoxide do not apply because the Company's facility does not have "the potential to emit more than 1,000 tons per year of carbon monoxide." See, 401 KAR 61:035, Section 1.(4). Furthermore, it is the Company's understanding the the first issuance of a Title V permit is specifically designed to capture all conditions applied in various existing permits. A review of the existing permit documents, which form the basis for this permit, discloses no limits or conditions on the emissions of SOx (page 44, 2.c.), nor CO (page 44, 2.d.). The application of these two items top kilns 1 and 2 (and 3, as cited on page 51) seems to be in error.

**DIVISION'S RESPONSE:**

In further discussion with the Division's Regulation Development Section and review of Regulation 401 KAR 61:035, Section 1. Applicability, reveals that this regulation has a two tier test for applicability. For this regulation to apply a source must meet the first two requirements: 1. The provisions of this administrative regulation shall apply to each affected facility which means any process gas stream which: (a) Is not elsewhere subject to a standard of performance within this chapter with respect to hydrogen sulfide, sulfur dioxide, or carbon monoxide; and (b) commenced before the classification date defined below. [The classification date is June 6, 1979 per Section 2. (1)]; and either of the remaining two requirements: 2. The provisions of this administrative regulation shall apply to each affected facility which: (a) Emits hydrogen sulfide or sulfur dioxide and is located in a county classified as Class I or VA with respect to sulfur dioxide in 401 KAR 50:025; or (b) Has a potential to emit more than 1,000 tons per year of carbon monoxide generated during the operation of any grey iron cupola, blast furnace, basic oxygen steel furnace, coal conversion plants, catalyst regeneration of a petroleum cracking system, or other petroleum process and is located in an area classified nonattainment with respect to carbon monoxide in 401 KAR 51:010. Although Kilns #1, #2, and #3 fall under the first two applicability requirements, they do not satisfy either of the remaining two requirements. Therefore Regulation 401 KAR 61:035 does not apply to this source and will be deleted from the permit.

**RESPONSE TO COMMENTS (CONTINUED)**

Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)

**Draft Permit Document**

15. DIVISION'S RESPONSE: (CONTINUED)

In regards to the Title V only addressing conditions, regulations and requirements applied in various existing permits, this is in error. If this was correct, then 40 CFR 63, Subpart AAAAA, National Emissions Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, would not be applied to any pieces of equipment in this permit nor to the source requirements for a written operations, maintenance, and monitoring (OM&M) plan. The Title V, as would any permit modification, also allows for the inclusion of any applicable regulation that was missed in the previous issued permit(s), or any regulation that might have been created after the issued permit that would apply to the source, to be included in the new permit.

16. Page 45. Due to the existing architectural configuration of the baghouses for kilns 1 and 2, and kiln 3 for that matter, Reference Method 10 (page 45, 2.d.) will need to be applied to the inlet of the baghouse, assuming it is required after DAQ considers 17 above. Regardless, there are testing methods listed in the entire permitting section for numerous points which are either impractical or impossible to apply to the points. We request that a statement be added that addresses this matter, and states that the company may request alternative testing methods, and that the DAQ will consider such as request without prejudice.

DIVISION'S RESPONSE:

Carmeuse did not raise this as an issue during the several pre-Draft Permit reviews Carmeuse was afforded. The Division will include language in the permit that will afford Carmeuse the opportunity to request a different test, or alternative testing methods, that will meet the regulatory requirements. These requests will need to be submitted to the Division for approval.

17. Due to the existing architectural configuration of the baghouses for kilns 1 and 2, Reference Method 5 (pages 45, 3.a.) will not work. The Company requests this method be changed to Method 17, which we believe does allow the testing of emissions in baghouses of this configuration. This comment also applies to kiln 3. (As a note to DAQ, upon the restart of kiln 2, the new baghouse will have a single stack emission point that will accommodate the Method 5 conditions.) At the very least, we request the DAQ modify the test selection language as requested in item 18 above.

DIVISION'S RESPONSE:

The Division will include language in the permit that will afford Carmeuse the opportunity to request a different test, or alternative testing methods, that will meet the regulatory requirements for Kiln #1 and #3. These requests will need to be submitted to the Division for approval. The test for Kiln #2, upon restart, will be Reference Method 5.

**RESPONSE TO COMMENTS (CONTINUED)**

**Carmeuse Lime & Stone Comments – March 8, 2005 (Continued)**

**Draft Permit Document**

18. Construction of kiln 3 (page 50) began prior to July 2, 1975. It came on line in 1976. Because of the construction date, it is subject to the same regulations cited for kilns 1 and 2. Specifically, the particulate emissions should be determined by the process weight equation  $E = 55.0 P^{0.11} - 40$ ; opacity is subject to 401 KAR 61:020, section 3 (40%).

**DIVISION'S RESPONSE:**

Kiln #3, as addressed in Comments #3 and #14, will be moved in the permit to correctly reflect the appropriate regulations and regulatory requirements.

19. Pages 63 through 84 list components of Emission Points 13, 14, 15, and 16. On page 81, under 2. Emission Limitations, b. second line, point 13 (38) should be 13 (36).

**DIVISION'S RESPONSE:**

The correction has been noted.

20. Pages 63 through 84 list components of Emission Points 13, 14, 15, and 16. On page 81, under Emission Limitations, c. second line, point 14 (70) should be 16 (68). This is the DAQ designation for the barge loadout facility that has the 15% opacity limit.

**DIVISION'S RESPONSE:**

The correction has been noted.

**Graydon Head & Fitchey LLP, Attorneys at Law – March 10, 2005**

Supplement to letter dated March 10, 2005 regarding their client's, Mr. Danny Freeman, objection to granting of Title V Air Quality Permit, No. V-05-003, to Carmeuse Lime & Stone, LLC. Mr. Freeman's objections to the Proposed Title V permit number V-05-003 include, but are not limited to, the following reasons:

1. All emission points, except the stack, should fall under KRS 63.010 and provide effective controls for the prevention of fugitive emissions and the proposed permit fails to do so.

**DIVISION'S RESPONSE:**

This is impossible to comply with. The Division has incorporated into its State Regulations the Federal Regulations that govern those processes that are involved with the operation that Carmeuse incorporates in the manufacturing of lime.

**RESPONSE TO COMMENTS (CONTINUED)**

Graydon Head & Ritchey LLP, Attorneys at Law – March 10, 2005 (Continued)

1. DIVISION'S RESPONSE: (CONTINUED)

State Regulation 401 KAR 60:670, New nonmetallic mineral processing plants, incorporates Federal Regulation 40 CFR 60, Subpart OOO, Standards of performance for nonmetallic mineral processing plants, which applies to the limestone operation; State Regulation 401 KAR 60:005, Standards of performance for new stationary sources, incorporates Federal Regulation 40 CFR 60, Subpart Y, Standards of performance for coal preparation plants, which applies to the coal operation; and a new Federal Regulation 40 CFR 63, Subpart AAAAA, National Emissions Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, applies to the limestone handling and kiln operation.

2. All non-enclosed facility operations and storage should be required to be fully tarped or fully contained in an enclosed structure. The proposed permit provides for continued operation of the facility in the same manner as it has operated in the past despite a record that reveals that the existing controls have failed. Merely providing for moisture as a means of avoiding fugitive emissions has failed and resulted in numerous past Notices of Violation being issued by the Commonwealth of Kentucky as time and again the moisture control measures proved to be inadequate. Thus, merely keeping the material moist is an inadequate control based upon prior operating experience. Neighboring residents and enforcement agencies continue to observe clouds of material crossing the property line of the facility and white dust is common on roads and vegetation in the general area of the facility.

DIVISION'S RESPONSE:

There are several different operations in progress at Carmeuse. Those areas that are utilizing moisture controls (wet suppression, moisture carryover) are the limestone and coal operations and the haul road and yard area operations. Wet suppression has proven very effective in both the limestone and coal industries in controlling fugitive emissions and have proven effective at Carmeuse when utilized in these operations. The Division has observed poor operational practices by Carmeuse not utilizing these controls when the associated equipment is in operation. The major fugitive emissions are those originating from the post kiln product (lime) and the associated reject lime product.

Moisture control is not an option for the control of lime product and a poor control for reject lime material once the wetted surface area is disturbed, thus exposing the underlying dry reject lime material to the atmosphere.

Poor operational and maintenance practices have resulted in controls utilized in lime product handling being circumvented due to large gaps in enclosed conveyors or equipment associated with a baghouse control not being properly enclosed, thus negating the baghouse control. Another area involves the open stockpiles of reject material which consist mainly of reject lime. Carmeuse has ninety (90) calendar days from the issuance date of the Proposed Permit to remove all stockpiles and accumulated lime material on, under, or against pieces of equipment or structures in a proper manner to an approved landfill.



**RESPONSE TO COMMENTS (CONTINUED)**

Graydon Head & Ritchey LLP, Attorneys at Law – March 10, 2005 (Continued)

2. **DIVISION'S RESPONSE: (CONTINUED)**

The operation involving the transport of material, both in and off the property, has been addressed in the permit, and trucks moving material are to be covered at all times. The barge loading is another major source of fugitive emissions and the Division is waiting to see how Carmeuse addresses this problem. The Division deems the equipment used in the conveying of the coarse material (limestone and coal) associated with this facility does not have adequate controls (controls listed in the application) to facilitate the conveying of lime product and has requested a Standard Operating Plan (SOP) addressing this issue be submitted to the Division within ninety (90) calendar days from the issuance date of the Proposed Permit for approval.

3. Monitoring methods in the proposed permit are inadequate as the method of keeping the materials moist is not specified nor is any method the sufficiency of the wetting process specified despite a past history of the moisture and water spray method being proved inadequate.

**DIVISION'S RESPONSE:**

The Division disagrees with this comment as daily observations are required during each shift, and when any change in method of operation or material occurs, of all operations and control equipment to determine if any air emissions are visible from the equipment or the controls per Section 4. a. Specific Monitoring Requirements.

Graydon Head & Ritchey LLP, Attorneys at Law – April 29, 2005

1. Mr. Paul Alley's letter dated April 29, 2005 addresses a major concern that was expressed by the citizens of Moscow, Ohio – the fugitive emissions from Carmeuse are significant and ongoing.

**DIVISION'S RESPONSE:**

The Division recognizes the fact that the fugitive emissions from Carmeuse are significant and ongoing. An increase in the inspections by the Regional Field Office have documented this fact, and visits have been made by members of the Permit Review Branch to observe first hand just where the emissions are originating from, how effective are the proposed controls, and if they are functioning when the associated equipment is operating. Several changes have been addressed in the permit and deficiencies regarding the operation of the various controls have been pointed out to the company. The problem with fugitive emissions will continue to be addressed until they are brought under control in accordance with the current regulations. See additional responses to comments #2 and #3 below.

2. Carmeuse has a history of generating fugitive emissions, and it still continues to resist the applicability of the fugitive emissions standards.

**RESPONSE TO COMMENTS (CONTINUED)**

Graydon Head & Ritchey LLP, Attorneys at Law – April 29, 2005 (Continued)

**2. DIVISION'S RESPONSE:**

The Division is aware of the fugitive emissions history of Carmeuse and their assertion that the State's regulation governing fugitive emissions is invalid and unenforceable and thereby objects to its application to them. The fugitive emission problem for Carmeuse is primarily from the transporting and loading of the lime product, along with the stockpiling of the reject lime material. The Division has denied a request to permit the reject stockpiles, one of the major contributors to Carmeuse's fugitive emissions (see your comment #3); and per Operating Limitations, page 11, of the Proposed Title V Permit, has prohibited the stockpiling, or accumulation on, under, or against pieces of equipment or structures, of lime material (product that has fallen from a conveyor system, reject material, hydrate, or any other form of lime). This includes material that has encrusted itself on a conveyor cover or any other fixture, including the ground. The Division has already enforced the enclosing of a conveyor transfer tower (DEG tower) that listed a baghouse as a control, but was ineffective due to the conveying system controlled by the baghouse not being enclosed, but instead open, thereby negating the control. The Division has also recently enforced the paving of the haul roads and yard area associated with the Black River facility. This was a condition of the 1993 PSD Permit that had not been enforced. Other areas that have also been addressed with Carmeuse are the conveyor covers not being adequately maintained (large sections of the conveyors being exposed to the air due to covers becoming loose and creating large gaps) and the open truck transport of product or reject material, both on and off the property. The Division is working hard to ensure that the controls listed by Carmeuse are indeed adequate to control the emissions and are operating when the associated equipment is operating.

- 3. As a condition to any permit, Carmeuse should be required to enclose all operations which generate fugitive emissions.**

**DIVISION'S RESPONSE:**

The Division recognizes that this is one of the solutions the Cabinet may utilize to enforce the control of fugitive emissions, but other less expensive controls should be considered first. Several of these have already been noted in the previous responses – the poor engineering/maintenance practices (ie. the baghouse control of the DEG tower), the conveyor covers not being properly maintained, the open stockpiling of reject lime material, and the open truck transport of product or reject material. If the current controls prove to be inadequate, the Division reserves the right to require additional controls, or another form of control, be utilized to meet the permit requirements, to include the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

**RESPONSE TO COMMENTS (CONTINUED)**

Manley Burke, A Legal Professional Association – March 10, 2005

**1. Lack of Compliance with Kentucky Law, Federal Law, and Carmeuse's Previous Permit**

The Village of Moscow's first objection to issuance of the permit to Carmeuse is because Carmeuse has repeatedly violated Kentucky Law, Federal Law and its previous permit requirements. Specifically, Carmeuse has been cited by the Environmental and Public Protection Cabinet, Department for Environmental Protection numerous times for a variety of violations, including multiple violations of 401 KAR 50:055 Section 2(5) and 401 KAR 63:010 Section 3(1)(c). It is not appropriate to issue a new permit to Carmeuse when it has failed to demonstrate consistent compliance with the law and its current permits. A habitual offender such as Carmeuse should not be granted a new permit until proper assurances are obtained, that Carmeuse abide with the law and the terms of such a permit. Carmeuse's past and ongoing actions indicate that granting such a permit is contrary to the purpose of the Federal and State Air Quality laws enforced through the Title V permitting process.

**DIVISION'S RESPONSE:**

The Division is fully aware of Carmeuse's failure to adhere strictly to their current and previous construction and operating permits, but the regulations whereby the Division's Permit Review Branch operate do not allow the withholding of a permit due to a company's history of noncompliance.

**2. Proposed Permit Fails to Ensure Necessary Air Pollution Control Measures**

The permit as proposed is insufficient because it does not address air pollution control measures necessary to prevent violations of Kentucky and federal Air Control Laws. Particularly, there are insufficient guarantees that Carmeuse will prevent Fugitive Emissions as required by Kentucky law. The Permit as proposed is not complete, for Carmeuse still is required to submit a later Standard Operating Plan (SOP) related to its operation of certain systems. At this point, it is impossible for the Village of Moscow to comment concerning Carmeuse's Standard Operating Plan addressing the conveying of lime product with the existing coarse material handling equipment and associated controls because the Plan has yet to be submitted. The SOP referenced repeatedly in the permit should be included in the permit. Otherwise, the public, and Moscow, have no opportunity to comment on this portion of the permit, in violation of the purpose of the public comment phase of the permitting process.

**DIVISION'S RESPONSE:**

The Title V application submitted by Carmeuse on December 12, 1997 lists several different controls that if utilized properly could prove to be viable controls of fugitive emissions. Those listed for the limestone and coal portions of their operation have proved to be very effective by those respective industries.

**RESPONSE TO COMMENTS (CONTINUED)**

Manley Burke, A Legal Professional Association – March 10, 2005 (Continued)

2. **DIVISION'S RESPONSE: (CONTINUED)**

The controls listed for the control of fugitive emissions originating from the lime product could be effective, but the Division is unsure at this time just how effective due to the poor operating and maintenance practices that have been witnessed by Division inspectors and staff. These poor practices range from not having the controls operating while the associated equipment is in operation (water sprays for limestone conveyors), a loading rate that exceed the effectiveness of the baghouse ability to control the fugitive emissions (loading of hydrate material into a truck), and covers askew or completely missing thereby completely circumventing the control effectiveness (conveyors and DEG tower). In all instances, once the controls were employed properly there was an effective control of fugitive emissions. These instances all point to poor operating and maintenance practices. A major concern of the Division is still the barge loading operation involving lime product. The use of the barge loading equipment for limestone is not authorized for use as a backup or substitute for the loading of lime product. The controls associated with this equipment are not sufficient for the handling of lime product.

Upon receipt by the Division, Carmeuse's Standard Operating Plan will be made available to the public for comment.

3. **Refusal to Accept Definition of Fugitive Emissions**

As discussed above, Carmeuse has been cited numerous times for violations concerning fugitive emissions. Carmeuse indicated on numerous occasions that it refuses to accept either the Kentucky Environmental and Public Protection Cabinet's definition or any common interpretation of what constitutes "fugitive emission" under Kentucky regulations.

A permit should not be issued unless Carmeuse agrees to abide by the Cabinet's proper interpretation of what constitutes a fugitive emission. Without any such agreement from Carmeuse, there is no meeting of the minds as to the meaning of the permit language, and the Permit itself will be claimed by Carmeuse as a justification for Carmeuse's continued violations of the fugitive emission's standard. Without such an agreement from Carmeuse, any reference to "fugitive emissions" and the Kentucky regulations related to such is illusory and will not serve to purposes of the permitting process.

**DIVISION'S RESPONSE:**

The Division acknowledges the fact that Carmeuse has failed to accept the Commonwealth of Kentucky's position regarding fugitive emissions. This issue will be pursued to ensure that Carmeuse will understand the need to accept Kentucky's position concerning this matter.

**RESPONSE TO COMMENTS (CONTINUED)**

**Manley Burke, A Legal Professional Association – March 10, 2005 (Continued)**

**4. New Permit Should Require an Enclosed System**

The dust control method of “wetting” material is the currently employed method of attempting to control dust at the Black River Operation. As Carmeuse’s past violations make more than evident, this process, when it is used, is insufficient to control dust and to prevent violations of both Kentucky and Federal Air Standards. It is evident, that the only type of system that will address the problems existing at the plant is a completely enclosed system to prevent the release of emissions. Any lesser system does not address the purposes of the Title V permitting process.

**DIVISION’S RESPONSE:**

The issue of wet suppression as a control was addressed in an earlier comment presented on March 10, 2005, by Mr. Paul Alley of Graydon Head & Ritchey LLP, Attorneys at Law on behalf of Mr. Danny Freeman. The issue of wet suppression relates to the limestone and coal handling operation of Carmeuse’s operation. This method of controlling fugitive emissions has proven to be very effective in those related industries and is adequate in this instance unless they are not employed when the associated equipment is in operation. This would again indicate poor operating practices on behalf of Carmeuse. The Division thinks the majority of the dust the citizens of Moscow are concerned with is originating from handling of the post kiln lime product. The Division will strive to ensure that Carmeuse works on improving its operational and maintenance practices regarding those controls associated with the post kiln lime product processing, as well as all controls and their associated equipment. It is imperative that all controls are functioning properly any time the associated equipment is operating.

**5. Conclusion**

The village of Moscow formally objects to the issuance of the proposed permit to Carmeuse. No permit should be issued until Carmeuse demonstrates the ability and willingness to ensure compliance with the Kentucky and Federal Air Standards. Additionally, the village of Moscow hereby requests a public hearing on this issue, and the chance to file more specific objections and comments within seven days from today.

**DIVISION’S RESPONSE:**

A public hearing was held on April 27, 2005 in the Pendleton County Courthouse in Falmouth, Kentucky.

**Supplement to the Village of Moscow’s March 10, 2005 objection – April 22, 2005**

1. Based on the Village’s experience with Carmeuse, the Village believes that additional specific operating limitations and reporting requirements are needed to ensure compliance with 401 KAR 63:010.

**RESPONSE TO COMMENTS (CONTINUED)**

Supplement to the Village of Moscow's March 10, 2005 objection – April 22, 2005 (Continued)

1. These limitations have been used in other permits in the state and should be part of this permit. The basic concept is that the entire process needs to be enclosed. Such a total system as that should be devised upon further consultation with Carmeuse and any manufacturer of such a system. Without enclosure, it is clear that violations will continue and the permit will not serve the purposes under the Clean Air Act. Among the types of limitations which should be considered in this system are:
  - a) The use of enclosed conveyor systems for material handling;
  - b) The use of enclosures and watersprays at transfer points;
  - c) Specification of maximum size and number of outdoor storage piles;
  - d) Temporary cover for inactive storage piles;
  - e) Utilization of pressurized waterspray equipment to wet the surface of any storage pile when visible emissions occur;
  - f) Provision of windscreen along western edge of processing area;
  - g) Utilization of street sweepers and/or vacuum trucks to clean paved plant areas;
  - h) Specification of equipment such as size and capacity of water trucks to be used to apply water to roads during dry weather;
  - i) Limitation of speed of vehicles on plant property of 15 mph or lower if physical dust occurs;
  - j) Provision of wheel wash system for all heavy trucks leaving the plant property;
  - k) Use of centralized and portable vacuum systems to clean up lime and limestone spills; and
  - l) Maintenance of daily logs of dust cleanup efforts and water used to control dust emissions.

**DIVISION'S RESPONSE:**

As stated earlier in numerous responses covering the use of wet suppression as a control, the use of wet suppression has proven to be very effective for the control of fugitive emissions associated with the limestone and coal industry. Carmeuse has stated in their Title V application that those conveyors transporting lime are enclosed with a baghouse or list only a baghouse control for fugitive emissions. On visits by Regional Office inspectors and Division staff to this facility, it has been observed that the controls listed for the equipment were not operating when the equipment was in operation, several of the conveyor coverings are askew thus exposing large sections of the conveyors to the atmosphere, and the flow of lime product when being loaded into a truck exceeded the ability of the associated baghouse to control the fugitive emissions. This demonstrates poor operating and maintenance practices on behalf of Carmeuse. Carmeuse had applied for the permitting of seventeen reject stockpiles during the review of their Title V application as a result of a Notice of Violation (NOV) issued by the Florence Regional Office. This application was denied due to part of the composition of the reject stockpiles being lime. The Division will not permit the open stockpiling of lime or reject lime. The transporting of their reject material was also a demonstration of poor operating practices by the trucks transporting this material were not covered as required by Regulation 401 KAR 63:010 to prevent fugitive emissions from possibly escaping.

**RESPONSE TO COMMENTS (CONTINUED)**

Supplement to the Village of Moscow's March 10, 2005 objection – April 22, 2005 (Continued)

1. **DIVISION'S RESPONSE: (CONTINUED)**

Better operating and maintenance practices than those demonstrated in the past by Carmeuse would result in fewer fugitive emissions escaping to the atmosphere and would better demonstrate what controls currently in place are truly effective.

2. Further, in the proposed permit, in some cases, allowable emissions are calculated according to 401 KAR 59:010. A high emission rate is obtained due to the high process weight rate. An overall emission limit based on total process weight rate would be more reasonable and should be incorporated.

**DIVISION'S RESPONSE:**

Those pieces of equipment governed solely by Regulations 401 KAR 59:010 and 61:020 have to follow the allowable emission limits set forth in the associated regulations. Those pieces of equipment governed by additional regulations, such as 401 KAR 51:017, have to follow a more stringent emission limit. Although the emission limit may be high, this does not preclude the use of adequate controls to maintain the emissions well below those listed as allowable limits.

3. Also, it is unclear why the federal regulation entitled "National Emissions Standards for Hazardous Air Pollutants for lime Manufacturing Plants," 40 CFR 63 Subpart AAAAA, is not followed for the associated processed stone handling operations (PSH) as specified in 40 CFR 63, 7082(a) and (g). PSH operation specifically includes bins, conveyors, transfer points, bulk loading and unloading, screening, surge bin, etc. Failure to include this operation is in violation of the above-related regulations.

**DIVISION'S RESPONSE:**

Although the permit includes the Federal Regulation 40 CFR 63, Subpart AAAAA addressing the kilns (pages 43 through 62 of the Draft Permit) and PSH operation (pages 17 through 24 of the Draft Permit), further review revealed that not all of the PSH equipment covered by this regulation were listed as being under this regulation. The Division has corrected this oversight in the permit by including all equipment associated with PSH operations beginning at the open processed stone storage piles and ending where the processed stone is fed into the kilns. Not included as PSH equipment are the open processed stone storage piles (stone coming from the mine that has already been crushed or later stockpiles listed after screening or crushing a second time), the two crushers, the barge loadout, or any of the conveying equipment that was not associated with taking limestone to the kilns per 40 CFR 63.7082(g).

**RESPONSE TO COMMENTS (CONTINUED)**

Public Hearing conducted at Pendleton County Courthouse, Falmouth, Ky – April 27, 2005

A public hearing was held in Pendleton County Courthouse on April 27, 2005. Those in attendance representing the Division for Air Quality were Mr. Don Newell, Permit Review Branch Manager; Mr. Jim Morse, Permit Support Section Supervisor; Mr. Clay Redmond, Florence Regional Office Supervisor; and Ms. Natalie Beard, Regional Office Inspector. Those representing Carmeuse Lime & Stone were Mr. George Love and Mr. Eric Caba. Besides citizens from the Village of Moscow, Ohio, there were Ms. Beth Nevel, Clermont County Department of Public Safety Services; Mr. Matt Fellerhoff, Moscow Law Director; Mr. Tim Suter, Mayor of the Village of Moscow; and Mr. Danny Freeman and Mr. Larry West with the Village of Moscow, Ohio.

The purpose of the Public Hearing was to hear and receive comments/concerns regarding the PSD Title V Construction / Operating permit that would be issued to Carmeuse Lime & Stone. The majority of the comments were requests not to approve the permit for Carmeuse, with one, from Mr. James Rader, a lawyer practicing in Cincinnati, favoring approval. The majority of the opinions voiced for not approving the permit were from residents of the Village of Moscow and the surrounding community – Mr. Gary Skeene, Mr. Dean Lewis, Ms. Vicky Dale, Mr. Larry West, Mr. Chuck Warman, Mr. Richard Hogan, Mr. Jeff Landen, Mr. Suter, and Ms. Helen Edmonson. Their main concern was regarding the health problems their children, grandchildren, and themselves might be facing regarding the dust that was originating from Carmeuse and traveling across the Ohio River to their community. As Mr. Gary Skeene stated: "Please have them stop dusting the homes and the people of Moscow."

Also present were two attorneys, Mr. Matt Fellerhoff, Law Director of the Village of Moscow, and Mr. Brandon Voelker, representing some of the citizens of the Village of Moscow. Mr. Fellerhoff stated: "The Village of Moscow officially has been attempting to get Dravo (Carmeuse) to follow the requirements of the Kentucky Regulations and the Clean Air Act for some time. I personally took part in an enforcement action when ... it went to a hearing. The one regulation that was at issue was the Fugitive Emission Standard.

The Fugitive Emission Standard is very clear and concise. In the process that I was involved in that Dravo (Carmeuse) was involved in, Dravo argued that the Fugitive Emission Standard did not say what it clearly said.... It is arguing that the Fugitive Emission Standard does not apply to Dravo.... Dravo, if this permit is issued, would be agreeing, if it's going to comply with the permit, to comply with the Fugitive Emission Standard.... One of the aspects of the permit that should be added that – is that if Dravo wants to continue to operate in the State of Kentucky, it will accept the applicability and the State of – or the Commonwealth of Kentucky's definition of the Fugitive Emission Standard. If Dravo does not accept that standard, there is no reason that Dravo should be granted a permit, because Dravo is already acknowledged that it will violate Kentucky – the Kentucky Regulations.... The things that I've learned about the operation of a lime plant...is the only way the Fugitive Emissions and the dust that has caused a problem in the Village of Moscow will be contained is if a closed system is adopted. I do not pretend to advocate what kind of closed system should be adopted, but anything better than what is contemplated in the permit.... The interest of the Village of Moscow, as I have – as I understand them is to prevent the continuing violations of the Fugitive Emissions Standards that the State of Kentucky applies to the Carmeuse Plant. And that is what we request."



**RESPONSE TO COMMENTS (CONTINUED)**

Public Hearing conducted at Pendleton County Courthouse, Falmouth, Ky – April 27, 2005  
(Continued)

Mr. Suter, Mayor of the Village of Moscow, stated: "My experience with this began in '98 and started investigating, videotaping the site. Have several hours of videotape of fugitive emissions escaping the plant from various sources. At that point in time, I contacted Carmeuse. There were several meeting. They basically denied the videotape, said that it was the angle of the sun and so forth. So we had Hamilton County Environmental Services start collecting samples of the dust. They retrieved a sample of the material from Carmeuse and analyzed it. And many of the samples they've taken over this time period have been identified coming from that site, being lime dust, quartz, silica, things of that nature that are associated with the lime. And we just want them to stop."

Mr. Voelker, the other attorney attending the meeting representing some of the people of the Village of Moscow stated: "...The problem, what we have is a kind of reckless attitude on the part of Carmeuse. They don't care, their view is this is the price we pay to live in a civilized society. That's not the price we pay to live in a civilized society.... We have regulations in place; they choose not to follow them.... We're fighting a company that basically doesn't give a damn about them. And that's the whole problem with this plant. We have a strong – Kentucky has one of the strongest regulations on fugitive emissions, but it gets glossed over. They call it insignificant activity."

**DIVISION'S RESPONSE:**

The Division does have in its possession a videotape of the fugitive emissions produced by Carmeuse over a time period. The Division is concerned about the fugitive emissions being produced primarily by the post kiln transporting and barge loading of lime. The open stockpiling of reject lime material, whatever the reason, will no longer be condoned.

The Division will work diligently on ensuring that Carmeuse improves its maintenance and operational practices in regards to the total plant operation, especially the transporting of the lime material. Only then can the Division make a true assessment of the control capabilities listed in the application. Carmeuse will need to address their barge loading operation and truck transporting of lime (product or reject) material in the light of the explanations presented in response to their comments #4 and #5, respectively, given by the Division.

**CREDIBLE EVIDENCE:**

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. On February 24, 1997, the U.S. EPA promulgated revisions to the following federal regulations: 40 CFR Part 51, Sec. 51.212; 40 CFR Part 52, Sec. 52.12; 40 CFR Part 52, Sec. 52.30; 40 CFR Part 60, Sec. 60.11 and 40 CFR Part 61, Sec. 61.12, that allow the use of credible evidence to establish compliance with applicable requirements. At the issuance of this permit, Kentucky has only adopted the provisions of 40 CFR Part 60, Sec. 60.11 and 40 CFR Part 61, Sec. 61.12 into its air quality regulations.

**ATTACHMENT B**

**PROPOSED PERMIT**